

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HENRY EARL DUNCAN,	)	CASE NO. CV 92-1403 AHS
Petitioner,	)	<b>DEATH PENALTY CASE</b>
v.	)	JUDGMENT
ROBERT L. AYERS, JR.,	)	[Post-Appeal]
Warden of California State	)	
Prison at San Quentin,	)	
Respondent.	)	

Pursuant to the mandate of the United States Court of Appeals for the Ninth Circuit issued October 27, 2008, it is hereby ordered that the petition for writ of habeas corpus is GRANTED in part and DENIED in part, as follows:

Insofar as it challenges the judgment of conviction for first degree felony murder, robbery, and grand theft, in the case of People v. Henry Earl Duncan, Los Angeles County Superior Court Case No. A910836, the petition for writ of habeas corpus is DENIED.

Insofar as it challenges the special circumstance finding

1 and the sentence of death in the case of People v. Henry Earl  
2 Duncan, Los Angeles County Superior Court Case No. A910836, the  
3 petition for writ of habeas corpus is GRANTED. The special  
4 circumstance finding and the sentence of death shall be  
5 VACATED.

6 The State of California shall either: (a) institute  
7 within 90 days of the date of this judgment any proceedings  
8 necessary to permit the jury to make a new special circumstance  
9 finding, or (b) impose on petitioner a sentence of 25 years to  
10 life in prison, with appropriate credit given for time served.

11  
12 IT IS SO ORDERED.

13 Dated: November 3, 2008

14 ALICEMARIE H. STOTLER

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16 Alicemarie H. Stotler  
17 United States District Judge  
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**NOTICE PARTY SERVICE LIST      DEATH    PENALTY**

Case No. \_\_\_\_\_ Case Title \_\_\_\_\_

Title of Document \_\_\_\_\_

	ADR
	BAP (Bankruptcy Appellate Panel)
	BOP (Bureau of Prisons)
	CA St Pub Defender (Calif. State PD)
	CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
	Case Asgmt Admin (Case Assignment Administrator)
	Chief Deputy Admin
	Chief Deputy Ops
	Clerk of Court
	Death Penalty H/C (Law Clerks)
	Dep In Chg E Div
	Dep In Chg So Div
	Federal Public Defender
	Fiscal Section
	Intake Section, Criminal LA
	Intake Section, Criminal SA
	Intake Supervisor, Civil
	MDL Panel
	Ninth Circuit Court of Appeal
	PIA Clerk - Los Angeles (PIALA)
	PIA Clerk - Riverside (PIAED)
	PIA Clerk - Santa Ana (PIASA)
	PSA - Los Angeles (PSALA)
	PSA - Riverside (PSAED)
	PSA - Santa Ana (PSASA)
	Schnack, Randall (CJA Supervising Attorney)
	Statistics Clerk

	US Attorneys Office - Civil Division -L.A.
	US Attorneys Office - Civil Division - S.A.
	US Attorneys Office - Criminal Division -L.A.
	US Attorneys Office - Criminal Division -S.A.
	US Bankruptcy Court
	US Marshal Service - Los Angeles (USMLA)
	US Marshal Service - Riverside (USMED)
	US Marshal Service -Santa Ana (USMSA)
	US Probation Office (USPO)
	US Trustee's Office
	Warden, San Quentin State Prison, CA

	<b><i>ADD NEW NOTICE PARTY</i></b> (if sending by fax, mailing address must also be provided)
Name:	
Firm:	
Address (include suite or floor):	
*E-mail:	
*Fax No.:	

\* For CIVIL cases only

	<b><i>JUDGE / MAGISTRATE JUDGE (list below):</i></b>

Initials of Deputy **Clerk** \_\_\_\_\_

**NOTICE PARTY SERVICE LIST, CONTINUED**

Case No. CV92-1403-AHS (DEATH PENALTY)

Case Title: HENRY EARL DUNCAN v. AYERS

Document: JUDGMENT (POST-APPEAL)

**ADD NEW NOTICED PARTIES:**

1. Henry Earl Duncan  
CDC No. D-30302  
San Quentin State Prison  
San Quentin, CA 94974
2. Clerk of Court  
Los Angeles Superior Court  
210 W. Temple Street, 2nd Floor  
Los Angeles, CA 90012
3. Los Angeles County District Attorney's Office  
210 W. Temple Street, 18th Floor  
Los Angeles, CA 90012
4. Michael G. Millman  
Executive Director of California Appellate Projects  
101 Second Street, Ste. 600  
San Francisco, CA 94105

enm